



Department
for Education

Out-of-school settings: voluntary safeguarding code of practice

Government consultation

Launch date 2 December 2018

Respond by 24 February 2019

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Foreword

Out-of-school settings do a great job providing our children with enriching activities in many subjects – including arts, language, music, sport and religion. While the majority do so in a safe environment, there are some settings which do not. In our 2015 Call for Evidence, many respondents emphasised that out-of-school settings provide an important service to children in their area and the community as a whole. Some of the many benefits highlighted include improving cultural awareness, building self-esteem, and encouraging our children to become active citizens.

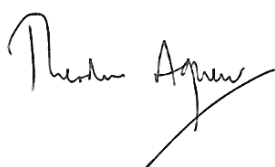


We know that the majority of our children participate in some form of organised activity outside of school at some point during their primary school years. That is why we want to ensure that out-of-school settings are a safe place for children to be, regardless of whether they're doing extra maths practice at the tuition centre up the road, or training for their black belt. While there are many existing legal powers already in place to protect children attending these settings, as a whole, the sector does not have a specific regulatory framework.

The government is committed to safeguarding all children and protecting them from the risk of harmful practices, including, for example, unsafe premises, unsuitable staff, inappropriate forms of punishment and discipline, and exposure to harmful extremist views. This code of practice is intended to be a supportive resource for out-of-school settings providers. It sets out best safeguarding practice, empowering those settings already doing a good job to continue providing our children with valuable learning opportunities, whilst addressing concerns about settings which are not appropriately safeguarding and promoting our children's welfare.

The accompanying guidance for parents and carers is intended to be an aide to help parents and carers make more informed and confident choices when choosing out-of-school settings for their children. It lists questions parents and carers may wish to ask a provider, such as whether staff have undertaken DBS checks, and examples of good answers they should expect to hear back.

I look forward to hearing from and working with the widest range of respondents so that we can continue to keep our children safe, while still being able to make the most of the valuable opportunities these settings offer.

A handwritten signature in black ink that reads "Theodore Agnew". The signature is written in a cursive style with a long, sweeping underline.

Theodore Agnew

Introduction

The Department for Education is consulting to inform the development and dissemination of a draft voluntary safeguarding code of practice for out-of-school settings; and accompanying guidance for parents setting out the key questions they may wish to consider when choosing an out-of-school setting for their child. Many out-of-school settings do a great job in providing enriching activities in a variety of subjects; we want to support them to understand how they can continue to do this whilst ensuring the safety of children. In our consultation response of April 2018 we decided not to regulate out-of-school settings, and are currently piloting how safeguarding can be enhanced through multi-agency working in sixteen local authorities. This draft code would complement those pilots by consolidating in one place the key things providers should be thinking about to help ensure they are providing a safe environment.

When referring to OOSS, we mean an institution which provides tuition, training, instruction, or activities to children in England without their parents' or carers' supervision that is not a:

- School¹;
- College²;
- 16-19 academy; or
- Provider caring for children under 8 years old which is registered with Ofsted or a childminder agency³.

Some may, for example, call out-of-school settings 'supplementary schools.' A full definition of out-of-school settings is provided later in this document.

With many thanks to those involved, the draft code has been developed in consultation with a wide range of stakeholders, including sector experts, the Local Government Association, faith representatives, the police, and other government departments. It should be noted that the position presented in the code is that of the Department for

¹ 'School' means all schools whether maintained, non-maintained, or independent, including academies and free schools, alternative provision academies, and pupil referral units. It would also include maintained nursery schools.

² 'College' means further education colleges and sixth-form colleges as established under the Further and Higher Education Act 1992 and institutions designated as being within the further education sector.

³ Most providers caring for children under eight years old must register with Ofsted (on The Early Years Register or The Childcare Register) or a childminder agency, unless the law states otherwise. These exemptions are set out in the Childcare (Exemptions from Registration) Order (SI 2008/ No 979) and are summarised in Annex A of the [Early years and childcare registration handbook](#). Providers who are exempt from compulsory registration may still apply to register on the voluntary part of the Childcare Register.

Education and does not necessarily reflect the views of our stakeholders or the organisations they represent.

Who this is for

- Out-of-school settings providers
- Parents
- Staff and volunteers working in out-of-school settings
- Accreditation bodies
- Local authorities
- Schools
- Young people
- Charities
- Any other interested organisations and individuals

Issue date

The consultation was issued on 2 December 2018.

Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team on:

- 0207 783 8582 for out-of-school settings policy and ask for the Regulatory Framework Unit

or email:

OOSS.consultation@education.gov.uk

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: Consultations.Coordinator@education.gov.uk or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

The response

The results of the consultation and the Department's response will be [published on GOV.UK](#) in 2019.

Respond online

To help us analyse the responses please use the online system wherever possible. Visit consult.education.gov.uk to submit your response.

Other ways to respond

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a Word document version of the form and email it or post it.

By email

OOSS.consultation@education.gov.uk

By post

Out-of-school settings: Consultation on the voluntary safeguarding code of practice
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Deadline

The consultation closes on 24 February 2019.

Summary

We are inviting the views of out-of-school settings providers, staff and volunteers working in out-of-school settings, local authorities, parents, accreditation organisations, young people, schools, charities, and other interested groups and individuals on a draft voluntary safeguarding code of practice for out-of-school settings, and accompanying draft guidance for parents. Following the closure of the consultation, we intend to publish the finalised version of the code in due course.

The providers' code would be a voluntary document. It would be intended as a voluntary resource setting out best practice to help providers of out-of-school education settings understand how they can ensure they are delivering education and activities in a safe environment.

The activities set out in this code would not be mandatory (except where they highlight existing legal and regulatory requirements, which are made clear in the code), but providers would be strongly encouraged to put in place robust policies in order to help ensure that all children attending their settings are kept safe from all forms of harm. Part 1 outlines three broad areas in which we would recommend all out-of-school settings providers adopt policies, as a minimum. These are:

- Health and safety;
- Safeguarding and child protection (this includes online and digital safety); and
- Suitability of staff.

Part 2 outlines those areas which we would recommend out-of-school settings give additional consideration when developing their practice and policies. These are:

- Governance; and
- Finance.

The accompanying parental guidance would set out some key questions parents may wish to consider asking providers to help satisfy themselves as to whether the setting is a safe and suitable environment for their child. Also included would be examples of some of the key things we would expect providers to be able to demonstrate to parents in answering these questions; and safeguarding red flags that we would encourage parents to be mindful of when considering a setting.

We intend for the code to be as accessible as possible. We know there is a diverse range of out-of-school settings which vary considerably in terms of their characteristics, types of activity and education they offer, and the venues in which they are provided (e.g. from residential settings to nationwide tuition centres). We want the code to reflect, and be valuable for, this diversity, and for it to be easily understood. We also intend for the questions for parents to be simple and straightforward so that parents feel comfortable asking them.

Background

Out-of-school settings provide an opportunity to complement the learning a child receives in full-time education. They provide enriching activities and education for children in many subjects including arts, language, music, sport and religion. The sector is currently not regulated by education and childcare law, meaning out-of-school settings providers are not subject to the same safeguarding regulation as registered schools or childcare settings.

We recognise the many examples of exemplary providers which create positive and safe environments for children to flourish, engage in new activities, and interact with their peers. However, there are also examples of settings which lack sufficient safeguards and in which children are at increased risk of exposure to practices, which could harm their health (physical or mental); development (physical, intellectual, emotional or behavioural development); or expose them to unsafe or hazardous environments.

We want to help all out-of-school-settings providers to deliver safeguarding best practice. The approach to improving oversight of out-of-school settings must be proportionate, and avoid creating undue burdens on the sector as a whole. This is why, as part of a larger package of work, we are consulting on this draft code for providers and guidance for parents. The draft providers' code seeks to bring together legal requirements and good safeguarding practice for providers into one document, and has been developed to encourage settings to put stronger safeguarding arrangements in place. The draft parental guidance has been developed to encourage parents to ask key safeguarding questions to help satisfy themselves that their children are in a safe setting.

What do we mean by an out-of-school setting?

When referring to OOSS, we mean an institution which provides tuition, training, instruction, or activities to children in England without their parents' or carers' supervision that is not a:

- School⁴;
- College⁵;
- 16-19 academy; or
- Provider caring for children under 8 years old which is registered with Ofsted or a childminder agency⁶.

The following is a non-exhaustive list of what is considered to be an out-of-school setting:

- Tuition or learning centres (which may be used to support mainstream, or home education) e.g. in term time or holiday courses in key stage 1-4 curriculum; English and mathematics skills; examination preparation (i.e. SATs, GCSE, A Level and 11 plus / school entry exams) etc;
- Extracurricular clubs or settings, e.g. ballet classes, gymnastic training, sports tuition, instrumental music tuition, martial arts training, drama classes, etc;
- Uniformed youth organisations, e.g. the Scouts and Guides;
- Open access youth providers, e.g. centre-based and detached youth work;
- Supplementary schools or what are sometimes called complementary schools, e.g. those offering support or education in addition to the mainstream, or core learning, and which operate after school hours or during the weekend;
- Private language schools, including those for children coming from abroad;
- Religious settings which offer education in their own faith, e.g. Jewish yeshivas and chedarim, Muslim madrassahs, Hindu OOSS, Sikh OOSS, Christian Sunday schools, etc.

⁴ 'School' means all schools whether maintained, non-maintained, or independent, including academies and free schools, alternative provision academies, and pupil referral units. It would also include maintained nursery schools.

⁵ 'College' means further education colleges and sixth-form colleges as established under the Further and Higher Education Act 1992 and institutions designated as being within the further education sector.

⁶ Most providers caring for children under eight years old must register with Ofsted (on The Early Years Register or The Childcare Register) or a childminder agency, unless the law states otherwise. These exemptions are set out in the Childcare (Exemptions from Registration) Order (SI 2008/ No 979) and are summarised in Annex A of the [Early years and childcare registration handbook](#). Providers who are exempt from compulsory registration may still apply to register on the voluntary part of the Childcare Register.

Consultation questions on the code for providers

1. Overall, is the layout of the code clear and easy to follow? If no, please say what is unclear and how it could be improved.
 - a. Yes
 - b. No
 - c. I don't know
 - d. COMMENTS BOX

2. Is the code of practice written in an accessible way that out-of-school setting providers will be able to use? If no, what can be changed about the code to make it more accessible?
 - a. Yes
 - b. No
 - c. I don't know
 - d. COMMENTS BOX

3. Are the five sections set out in the code of practice (health and safety; safeguarding and child protection—including online and digital safety; suitability of staff; governance; and finance) relevant to out-of-school setting providers? Please add which areas are most useful and if there are additional areas the code should cover.
 - a. Yes
 - b. No
 - c. I don't know
 - d. COMMENTS BOX

4. Does Section 1 (health and safety) set out clearly what out-of-school setting providers should do to keep children attending their settings safe from harmful practices, which could impact their physical or mental health, development, or safety? If no, please say what additional guidance is needed in this section.
 - a. Yes
 - b. No
 - c. I don't know
 - d. COMMENTS BOX

5. Does Section 2 (safeguarding and child protection, including online and digital safety) set out clearly what out-of-school setting providers should do to help ensure children's wellbeing is comprehensively addressed? If no, please say what additional guidance is needed in this section.
 - a. Yes
 - b. No
 - c. I don't know
 - d. COMMENTS BOX

Consultation questions on the code for providers

6. Does Section 3 (suitability of staff and volunteers) set out clearly what procedures out-of-school settings providers should undertake when hiring and maintaining staff and volunteers? If no, please say what additional guidance is needed in this section.
 - a. Yes
 - b. No
 - c. I don't know
 - d. COMMENTS BOX
7. Does Section 4 (governance) set out clearly what procedures out-of-school settings providers should undertake to help ensure strong governance of their setting? If no, please say what additional guidance is needed in this section.
 - a. Yes
 - b. No
 - c. I don't know
 - d. COMMENTS BOX
8. Does Section 5 (finance) set out clearly what procedures out-of-school settings providers should undertake to help ensure strong financial controls in their setting? If no, please say what additional guidance is needed in this section.
 - a. Yes
 - b. No
 - c. I don't know
 - d. COMMENTS BOX
9. To what extent will this code help providers deliver safeguarding in their setting?
 - a. COMMENT BOX
10. What methods and channels would be most effective in raising awareness of the code among out-of-school settings providers?
 - a. COMMENT BOX
11. What would be the most effective way of helping to ensure that the code is taken up by providers and that out-of-school settings meet the standards?
 - a. COMMENTS BOX
12. Do you have any other comments on the providers' code of practice?
 - a. COMMENTS BOX

Consultation questions on the guidance for parents and carers

13. Are the questions and example answers for parents and carers clear and easy to understand? If no, please say what is unclear.
- Yes
 - No
 - I don't know
 - COMMENTS BOX
14. Are the questions and example answers for parents and carers right and sufficient? If no, please say what further questions and answers should be included and/or what you would change about the current questions and answers.
- Yes
 - No
 - I don't know
 - COMMENTS BOX
15. Is the guidance presented in an accessible way that parents and carers will be able to use? If no, what can be changed about the guidance to make it more accessible?
- Yes
 - No
 - I don't know
 - COMMENTS BOX
16. To what extent will this guidance help parents' and carers' decision making about which OOSS they choose for their children?
- COMMENTS BOX
17. What methods and channels would be most effective in raising awareness of the guidance among parents and carers?
- COMMENTS BOX
18. Do you have any other comments on the guidance for parents and carers?
- COMMENTS BOX



Department
for Education

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